

### REMARKS

The Examiner rejected claims 56-60 and 62-87, while withdrawing claims 88-106 from further consideration. Claims 56-60 and 62-106 remain pending. Claims 56-60, 62-88, 91, 94-96, 99, and 102-104 have been amended herein as indicated above. In particular, the claims reciting a non-hypodermic needle have been amended herein to remove the word “non-hypodermic,” and independent claims 56 and 76 has been amended herein to recite a blunt penetrating tip and a rounded point. Applicants’ specification fully supports these amendments. For example, Figure 12 and the paragraph bridging pages 8 and 9 of Applicants’ specification disclose that the needle can have a blunt penetrating tip with a rounded point. Thus, no new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 56-60 and 62-87. Applicants also respectfully request rejoinder, examination, and allowance of claims 88-106.

#### Objection to specification

The Examiner objected to the specification stating that it did not contain basic support for the term “non-hypodermic.” Applicants respectfully disagree with this objection as Applicants’ specification fully supports the previously presented claims. To further prosecution, however, the claims have been amended as indicated above to remove the word “non-hypodermic.”

In light of the above, Applicants respectfully request withdrawal of the objection to the specification.

#### Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 56-60 and 62-87 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite, stating that the term “non-hypodermic” is not clear. Applicants respectfully disagree. The previously presented claims are clear and unambiguous. To further prosecution, however, the claims have been amended as indicated above to remove the word “non-hypodermic.”

In light of the above, Applicants respectfully request withdrawal of the rejections of claims 56-60 and 62-87 under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 56-60 and 62-87 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of the Henderson reference (U.S. Patent No. 3,064,651) and the Hickey reference (U.S. Patent No. 2,697,438) alone or in combination with one or more of the following references: the Haindl reference (U.S. Patent No. 4,889,529), the Bittner reference (U.S. Patent No. 5,515,871), the Kaneko reference (U.S. Patent No. 6,517,523), and the Baldwin *et al.* reference (U.S. Patent No. 3,071,135).

Applicants respectfully disagree. The combinations of references do not render the previously presented claims obvious for at least the reasons of record. To further prosecution, however, independent claims 56 and 76 have been amended herein to recite a blunt penetrating tip with a rounded point. At no point do the combinations of cited references teach or suggest that a person having ordinary skill in the art should make or use a membrane penetrating needle having a blunt penetrating tip with a rounded point. Thus, the presently amended claims are patentable over the combinations of cited references.

In light of the above, Applicants respectfully request withdrawal of the rejections of claims 56-60 and 62-87 under 35 U.S.C. § 103(a).

**CONCLUSION**

Applicants assert that claims 56-60 and 62-87 are in condition for allowance, which action is respectfully requested. In addition, Applicants respectfully request rejoinder,

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examination, and allowance of claims 88-106. The Examiner is invited to telephone the undersigned attorney if such contact would expedite prosecution of this Application.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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